

January 25, 2018

Mr. Henry A. Leskinen
Eco-Science Professionals, Inc.
P. O. Box 5006
Glen Arm, Maryland 21057

Re: McCormick and Company Flavor Manufacturing Center,
Wastewater Treatment Plant Upgrades
Forest Buffer Variance
Tracking # 03-17-2619

Dear Mr. Leskinen:

A request for a variance from the Baltimore County Code, Article 33, Title 3, a Law for the Protection of Water Quality, Streams, Wetlands and Floodplains (i.e. Forest Buffer Law), was received by this Department of Environmental Protection and Sustainability (EPS) on December 1, 2017. If granted, the variance would allow approximately 42,408 square feet (0.97 acre) of impact to an approximately 1.16-acre Forest Buffer area for its long standing use as an industrial facility. Of the continued-use area, only approximately 2,450 square feet is lawn area with picnic tables, which serves as a break area for employees. The remaining 39,958 square feet (0.92 acres) of area is impervious and consists of asphalt parking lot or building rooftop.

This variance request has been submitted in conjunction with the installation of two wastewater equalization tanks, a walled containment basin to house the tanks and an upgrade to the sanitary sewer line totaling 1,481 square feet of disturbance within the impervious asphalt lot that lies within the Forest Buffer. The wastewater treatment upgrades maintain a similar setback to the resources as the manufacturing building they serve. Furthermore, the existing uses on this property, which is also known as Lot # 20, Plat 5 of the Hunt Valley Business Community, predate the law from which the variance is sought.

The Forest Buffer is generated from the third order, Use III-P mainstem of Oregon Branch as well as an intermittent tributary, which originates from a large diameter storm drain pipe. Both waterways, which flow along the western and southern property boundaries, respectively, appear channelized and manipulated over the years and are within existing drainage and utility easements that date from the early 1960s. The applicant proposes to install Forest Buffer signage along the limits of the remaining functional Forest Buffer to delineate it and inform maintenance personnel that no disturbance of any kind is to occur within this Forest Buffer area.

This Department has reviewed your request and has determined that a practical difficulty exists in fully meeting the Forest Buffer Law given that the structure, parking lot and lawn areas predate the current Forest Buffer Law. Furthermore, we acknowledge that this project is being

undertaken to meet wastewater treatment requirements. These constraints, along with the site's narrow stream corridors and intensive uses across an expansive extent of the 6-acre, ML-IM zoned property, prevent significant redesign that would avoid the full Forest Buffer. Additionally, it is recognized that the granting of this variance will also allow the proposed 30' x 65' 1-story building addition to be constructed within the 25' building setback to the full Forest Buffer required in Section 33-3-111(d) of the Baltimore County Code.

We further find that the potential for impacts to water quality as a result of this proposal can be minimized by performing onsite mitigative measures such as those proposed by the applicant. Therefore, we will grant this request in accordance with Section 33-3-106(a)(1) of the Baltimore County Code, with the following conditions:

1. The natural Forest Buffer area proposed to remain shall be clearly marked onsite at 100-foot intervals and turning points with "Forest Buffer – Do Not Disturb" signage. The signs, which are available from private sign contractors (see Enclosures 1 and 2), shall be installed prior to building permit issuance or April 25, 2018, whichever comes first. Additionally, maintenance personnel are to be informed that no disturbance of vegetation or soil is to occur within this area without prior approval from this Department.
2. Recordation of the Forest Buffer Easement and its protective covenants will not be required at this time. However, any future, site-wide redevelopment of this property will require establishment, recordation and management of the full Forest Buffer Easement in accordance with Sections 33-3-110 through 33-3-112 of the Baltimore County Code.
3. All conditions of this property's NPDES general discharge permit shall be met as well as implementation of any forthcoming remedial measures prescribed by the Watershed Management Section of this Department.
4. The following notes must appear on all subsequent plans submitted for this project:
 - "A variance was granted on January 25, 2018, by the Baltimore County Department of Environmental Protection and Sustainability from the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains. The Forest Buffer shown hereon is reflective of the fact that this variance was granted. Conditions were placed on this variance to reduce water quality impacts including onsite posting protective signage along the remaining Forest Buffer."
 - "There shall be no clearing, grading, construction or disturbance of vegetation in the Forest Buffer except as permitted by the Baltimore County Department of Environmental Protection and Sustainability."

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout will require submittal of revised plans and a new variance request.

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Please have the appropriate representative of McCormick and Company, Inc. sign the statement below as the party responsible for meeting the conditions of this variance and return a signed copy of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

If you have any questions regarding this correspondence, please contact Mr. Michael S. Kulis at (410) 887-3980.

Sincerely yours,

David V. Lykens
Deputy Director

DVL/msk

Enclosures (2)

c. Mr. Jon Foremsky, McCormick & Company, Inc.

I/we agree to the above conditions to bring my/our property into compliance with Law for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Company's Representative's Signature Date

Printed Name